THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22242 OF 2006

DATED 27th OCTOBER, 2006

BETWEEN

Mohd.Aneesuddin

… Petitioner

and

The Assistant Engineer, Abids Section D-XXIII City-1,
A.P.Transco, Hyderabad and another.

… Respondents

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ORDER:

The petitioner is allegedly owner of House No.5-4-40 and 5-4-40/1, J.N.Road, Abids, Hyderabad. He states that he was in possession of the house since 1998 and by reason of a document executed in 2004 by the owner of the house, he became absolute owner. It appears there is an electrical transformer near his house allegedly causing inconvenience. In paragraph 3 of the affidavit accompanying the writ petition, he also alleges that his grandson died of electrocution. Perhaps, for this reason, he approached the respondents to shift the transfer as there is imminent threat to his family members. Initially, he filed W.P.No.9706 of 2006 seeking a direction to respondents to remove the electrical transformer alleging that it is situated in his premises. By an order, dated 09.05.2006, this Court disposed of the writ petition directing the respondents to consider and pass appropriate orders on the representation, dated 27.06.2005 made by the petitioner within a period of three weeks. The petitioner then filed contempt case being C.C.No.640 of 2006 alleging that the order passed by this Court has not been obeyed. At that stage, respondents produced a copy of the order, dated 27.05.2006 pleading sufficient compliance to the Mandamus issued by the Court. When the contempt case was heard, a copy of the letter, dated 27.05.2006 was also served on the counsel for the petitioner. Therefore, challenging the same, the present writ petition is filed again seeking invalidation of the said communication sent by the second respondent and for a further direction to respondents to shift the transformer from the petitioner's premises.

Learned counsel for the petitioner reiterated the petitioner's position as disclosed in the writ affidavit. The learned standing counsel opposed the writ petition denying and refuting the petitioner's contentions.

The petitioner has not produced any material to show that the transformer was installed in his premises. Further, the petitioner also has not produced any material to show that even if such transformer is

installed in his own premises, it was done without the consent of the petitioner. Secondly, a perusal of the impugned order would show that the distribution transformer near the petitioner's premises is on the footpath outside the petitioner's premises and the same was established long back. The petitioner was also informed that on condition of petitioner meeting the shifting charges and showing convenient new location, the transformer will be shifted from the present place. In the considered opinion of this Court, when the respondents established transformers on the footpath forming part of the public road, the petitioner may not have any objection as long as the transformer is properly protected and insulated to lessen the likelihood of harm and injury to the passersby. There are no contra allegations made by the petitioner. Therefore, this Court is not inclined to interfere.

The petitioner may comply with the conditionalities imposed in the impugned letter, if he desires the distribution transformer be shifted from the footpath near his house to a new location.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO,J)

27.10.2006.
pln